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James J. Barta, Jr.
Senniger, Powers, Leavitt & Roedel
One Metropolitan Square, 16th Floor
St. Louis, MO 63102

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OFFICE OF PETITIONS

In re Application of	:	
Plastina et al.	:	
Application No. 10/622,767	:	ON PETITION
Filed: July 18, 2003	:	
Attorney Docket No. MS#303015.01 (5052)	:	

This is a decision on the petition filed August 10, 2004, to accept the application papers filed with the petition and to accord the above-identified application a filing date of July 18, 2003.

The petition is **granted**.

37 CFR 1.10(e) states:

Any person mailing correspondence addressed as set out in Section 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";
- (3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and
- (4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

All of the above requirements have been met.

A fee is unnecessary for a petition under 37 CFR 1.10(e). Therefore, the voided check for \$130 is being returned along with this decision.

The Office of Initial Patent Examination will process the application with a filing date of July 18, 2003, using the papers filed on August 10, 2004. OIPE should note that RAM (our finance system) indicates receipt of \$1,498 with the original application and OIPE should ensure PALM lists the \$1,498 payment.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Petitions Attorney
Office of Petitions

Attached: Voided \$130 check